

Ending Poverty by Cutting Teenaged Births: Promise, Failure, and Paths to the Future

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For the last thirty years, policymakers have targeted teenaged childbearing as the root cause of poverty, childhood deprivation, and intergenerational disadvantage. In 1987, a blue ribbon panel of the National Research Council concluded that:

[W]omen who become parents as teenagers are at greater risk of social and economic disadvantage throughout their lives than those who delay childbearing until their twenties. They are less likely to complete their education, to be employed, to earn high wages, and to be happily married; and they are more likely to have larger families and to receive welfare.¹

Studies document the facts that teenaged mothers are more likely than other mothers to drop out of school,² to remain single or suffer unstable marriages,³ and to lack child support from the fathers of their children.⁴ They are also

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¹ NATIONAL RESEARCH COUNCIL, 1 RISKING THE FUTURE 138 (Cheryl Hayes ed., 1987). For a more recent expression of the perceived link between teenaged childbearing and systemic poverty, see Jason DeParle, *Clinton Target: Teen-Age Pregnancy*, N.Y. TIMES, Mar. 22, 1994, at B6.

Before the nineteen-sixties, teenaged childbearing was common but received little attention as a possible source of poverty. See Frank F. Furstenberg, Jr. et al., *Teenaged Pregnancy and Childbearing*, 44 AM. PSYCHOLOGIST 313 (1989); Lorraine V. Klerman, *The Association Between Adolescent Parenting and Childhood Poverty*, in CHILDREN IN POVERTY 79, 79 (Aletha C. Huston ed., 1991). Policymakers in an earlier era may not have focused on births to teenagers because those births both were more socially accepted and resulted more often in marriage. *Id.* at 83.

² See, e.g., Daniel H. Klepinger et al., *Adolescent Fertility and the Educational Attainment of Young Women*, 27 FAM. PLAN. PERSP. 23, 26 (1995) (simple correlations show strong negative relationship between teenaged childbearing and educational attainment for all races); Frank L. Mott & William Marsiglio, *Early Childbearing and Completion of High School*, 17 FAM. PLAN. PERSP. 234 (1985).

³ Klerman, *supra* note 1, at 90; FRANK F. FURSTENBERG, JR. ET AL., *ADOLESCENT MOTHERS IN LATER LIFE* 32-33 (1987); James McCarthy & Jane Menken, *Marriage, Remarriage, Marital Disruption and Age at First Birth*, 11 FAM. PLAN. PERSP. 21 (1979).

⁴ Furstenberg et al., *supra* note 1, at 314-15; Klerman, *supra* note 1, at 88.

disproportionately likely to be poor,⁵ to rely upon welfare,⁶ and to raise daughters who will repeat this pattern.⁷ The children of teenaged mothers are more likely than their peers to suffer ill health,⁸ low cognitive development,⁹ child abuse,¹⁰ and behavior problems.¹¹ Surely these children do not enjoy an equal opportunity to capture the American dream.

Our focus on teenaged childbearing as the wellspring of poverty yields both tantalizing promise and deep disappointment. The promise rests on our belief that, if we could only end teenaged childbearing, we would dramatically

⁵ Arline T. Geronimus & Sanders Korenman, *The Socioeconomic Consequences of Teen Childbearing Reconsidered*, 107 Q.J. ECON. 1187, 1196 (1992) (simple comparison of populations shows that women who bore their first child after age 19 enjoyed an income that was more than 40% higher than the incomes of women who had children during their teenaged years); Sandra L. Hofferth & Kristin A. Moore, *Early Childbearing and Later Economic Well-Being*, 44 AM. SOC. REV. 784 (1979); James Trussell, *Economic Consequences of Teenage Childbearing*, in *TEENAGE SEXUALITY, PREGNANCY, AND CHILDBEARING* 251 (Frank F. Furstenberg, Jr. et al. eds., 1981).

⁶ Geronimus & Korenman, *supra* note 5, at 1196 (in one sample, nearly one fifth of women who had born their first child as teenagers were on welfare in 1982, while only 5% of women who had deferred childbearing were on welfare in that year).

⁷ Frank F. Furstenberg, Jr. et al., *The Children of Teenage Mothers: Patterns of Early Childbearing in Two Generations*, 22 FAM. PLAN. PERSP. 54 (1990); Joan R. Kahn & Kay E. Anderson, *Intergenerational Patterns of Teenage Fertility*, 29 DEMOGRAPHY 39 (1992); see also Leighton Ku et al., *Factors Influencing First Intercourse for Teenage Men*, 108 PUB. HEALTH REP. 680, 685 (1993) (sons of teenaged mothers begin sexual activity significantly earlier than sons of other women).

⁸ Klerman, *supra* note 1, at 92; Sam Shapiro et al., *Relevance of Correlates of Infant Deaths for Significant Morbidity at 1 Year of Age*, 136 AM. J. OBSTETRICS & GYNECOLOGY 363 (1980); Brent Taylor et al., *Teenage Mothering, Admission to Hospital, and Accidents During the First 5 Years*, 58 ARCHIVES OF DISEASE IN CHILDHOOD 6 (1983); Sandra L. Hofferth, *The Children of Teen Childbearers*, in 2 *RISKING THE FUTURE* 174, 175-81 (Sandra L. Hofferth & Cheryl D. Hayes eds., 1987).

⁹ Hofferth, *supra* note 8, at 181-92; Arline T. Geronimus et al., *Does Young Maternal Age Adversely Affect Child Development? Evidence from Cousin Comparisons in the United States*, 20 POPULATION & DEV. REV. 585, 596 (1994); Kristin A. Moore & Nancy O. Snyder, *Cognitive Attainment Among Firstborn Children of Adolescent Mothers*, 56 AM. SOC. REV. 612 (1991) (finding correlation only among white, not black or Hispanic children); Sarah H. Broman, *Longterm Development of Children Born to Teenagers*, in *TEENAGE PARENTS AND THEIR OFFSPRING* 195 (Keith G. Scott et al. eds., 1981); J. Brooks-Gunn & Frank F. Furstenberg, Jr., *The Children of Adolescent Mothers: Physical, Academic, and Psychological Outcomes*, 6 DEVELOPMENTAL REV. 224, 244 (1986).

¹⁰ Klerman, *supra* note 1, at 93.

¹¹ Brooks-Gunn & Furstenberg, *supra* note 9, at 244. As discussed further below, many of these differences diminish or disappear after controlling for mother's socioeconomic background and other factors. See *infra* notes 65-75 and accompanying text.

reduce poverty and childhood suffering. The disappointment stems from our political failure, despite this alluring promise, to embrace any of the remedies most likely to reduce teenaged births.

In this essay, I discuss both the social promise of ending teenaged births and our political failure to achieve that goal. Somewhat ironically, I offer a small measure of hope on the failure and a larger dose of caution on the promise. We *can* significantly reduce teenaged childbearing if we apply our political will to that goal. The majority of teenaged mothers do not want to bear children before they turn twenty,¹² and we can help them achieve their own ends. Other women would decide not to bear children as teenagers if we gave them realistic educational or employment alternatives to early motherhood.¹³ As a society, it is within our power to choose both of these aspirations, and we *should* choose them. It is fair to the mothers, fair to their children, and advantageous to the rest of society.

Sadly, however, even if we deferred all childbearing until age twenty-five, we would not end poverty or childhood disadvantage. Teenaged childbearing is not the root cause of poverty; indeed, it may be more of a symptom than a cause. Disadvantage, and an economic system that fosters disadvantage, are the root causes of poverty. Until we grapple with that fundamental truth, we will

¹² Jacqueline D. Forrest & Susheela Singh, *The Sexual and Reproductive Behavior of American Women, 1982–1988*, 22 FAM. PLAN. PERSP. 206, 212 (1990) (between 1984 and 1988, 72.6% of the births among women aged 15-to-19 were unintended; 81% of the pregnancies in that group were unintended). Among younger teenagers, the proportion of unwanted births is even higher. Kathryn Kost & Jacqueline D. Forrest, *Intention Status of U.S. Births in 1988: Differences by Mothers' Socioeconomic and Demographic Characteristics*, 27 FAM. PLAN. PERSP. 11, 14 (1995) (only 22.1% of births to women aged 15–17 were intended). Somewhat surprisingly, a significant percentage of births to older mothers are also unwanted or mistimed. Among *all* United States women, about one-third of births occur earlier than the woman intended, and about one-tenth are completely unwanted. Kost & Forrest, *supra*, at 11 (noting the results of two different studies, identifying the number of mistimed births as between 27.7% and 36.2%, and the number of unwanted births as between 7.0% and 12.2%). These numbers substantially underestimate the number of unwanted pregnancies, because they omit pregnancies terminated by abortion before birth. See also Harriet B. Presser, *Early Motherhood: Ignorance or Bliss?*, in *TEENAGE SEXUALITY, PREGNANCY, AND CHILDBEARING* 336, 338 (Frank F. Furstenberg, Jr. et al. eds., 1981) (less than 20% of sample of New York City teenagers who bore their first child between 1970 and 1972 intended to become pregnant).

Some reports focus on teenagers who actively desire pregnancy and childbirth. See, e.g., LEON DASH, *WHEN CHILDREN WANT CHILDREN* (1989); JUDITH S. MUSICK, *YOUNG, POOR, AND PREGNANT* (1993). Undoubtedly some teenagers do seek to become pregnant. Surveys of large samples like the ones reported above, however, confirm that the majority of teenagers do not want to become pregnant or bear children. Further work needs to be done to identify the teenagers who *do* desire pregnancy and to determine the reasons for their desires.

¹³ See *infra* notes 30–37 and accompanying text.

deceive ourselves over the true causes of the poverty that handicaps more than one-fifth of our children.¹⁴ In the final sections of this essay, I question the causal link between teenaged births and poverty. I then show that examination of this conundrum uncovers a more fundamental problem: Our economic system no longer enables the poorest adults to support children at even the subsistence level marked by the poverty line. We must work to reverse that injustice or we will never save American children from the poverty that shackles them.

I. THE PROMISE: CAN WE REDUCE TEENAGED CHILDBEARING?

After several decades of strong empirical research, we know that at least three types of programs significantly reduce teenaged childbearing: (1) comprehensive sex education programs, especially when those classes are linked to the provision of contraceptives; (2) initiatives that make abortions readily available and affordable for teenagers; and (3) programs that offer underprivileged teenagers realistic employment or educational goals.¹⁵ I briefly examine each of these options below.

A. Sex Education and Contraceptives

Today, most schools offer some form of sex education.¹⁶ The content of those programs varies widely, and assessments of their effectiveness also vary.¹⁷ Repeated studies, however, show that sex education can significantly reduce teenaged pregnancy if the programs include five features: (1) specific, accurate information about both the risks of unprotected intercourse and the methods of avoiding those risks; (2) consistent reinforcement of individual values and group norms against taking sexual risks; (3) reliance upon social learning theory and active learning methods; (4) consideration of social pressures to have unprotected sex; and (5) practice in communication, negotiation, and resistance skills.¹⁸ Today we teach teenagers how to drive,

¹⁴ In 1993, 22% of United States children lived in poverty. UNITED STATES DEP'T OF COMMERCE, STAT. ABSTRACT OF THE UNITED STATES 480 (115th ed. 1995).

¹⁵ See generally Robert D. Plotnick, *The Effect of Social Policies on Teenage Pregnancy and Childbearing*, 1993 FAMILIES IN SOC'Y: J. CONTEMP. HUM. SERVICES 324; Klerman, *supra* note 1, at 94-98.

¹⁶ Douglas Kirby et al., *School-Based Programs to Reduce Sexual Risk Behaviors: A Review of Effectiveness*, 109 PUB. HEALTH REP. 339, 340 (1994).

¹⁷ *Id.* at 345.

¹⁸ *Id.* at 354-55 (reviewing almost two dozen studies of school-based sex education programs); William A. Firestone, *The Content and Context of Sexuality Education: An*

how to use computers, and how to execute complex plays in the heat of a football game. If we want to, we can also teach them how to avoid pregnancy and childbearing.

Sex education is even more effective when it is joined with community education and contraceptive clinics. Programs in both impoverished rural counties and blighted urban centers have shown that these more comprehensive initiatives dramatically reduce pregnancy and childbearing among underprivileged teenagers—those who are at most risk of early childbearing.¹⁹ Program evaluations also demonstrate that both sex education and distribution of contraceptives can cut teenaged childbearing without significantly increasing sexual activity.²⁰ In fact, several studies have demonstrated a significant decrease in sexual conduct after the institution of sex education or contraceptive

Exploratory Study in One State, 26 FAM. PLAN. PERSP. 125 (1994).

¹⁹ Helen P. Koo et al., *Reducing Adolescent Pregnancy Through a School-and Community-Based Intervention: Denmark, South Carolina, Revisited*, 26 FAM. PLAN. PERSP. 206, 206 (1994) (program in Denmark, South Carolina, cut pregnancy rate among 14- to 17-year-olds in half—from 77 pregnancies per 1000 teenagers to 37 pregnancies per 1000—while pregnancy rate in similar counties showed smaller decline or increased; differences were statistically significant); JANET B. HARDY & LAURIE S. ZABIN, *ADOLESCENT PREGNANCY IN AN URBAN ENVIRONMENT* 352 (1991) (program in Baltimore, Maryland, decreased pregnancy rate by 30.1% after 28 months, while rate in control school increased 57.6%).

Studies of some school-based health clinics report no significant decrease in pregnancy rates when compared to control schools in the same region. See, e.g., Douglas Kirby et al., *Six School-Based Clinics: Their Reproductive Health Services and Impact on Sexual Behavior*, 23 FAM. PLAN. PERSP. 6 (1991) [hereinafter Kirby et al., *Six School-Based Clinics*]. The clinics analyzed in this study, however, either did not provide contraceptives on site, failed to focus on pregnancy prevention, or engaged in little outreach among the students. *Id.* at 14–15. Notably, the researchers found that between 62% and 89% of the students who became pregnant in these schools did so before receiving any contraceptive counseling from the clinic staff. *Id.* at 14. The authors accordingly recommended that, if school clinics desire to reduce pregnancy, they should place a high priority on that goal, develop outreach programs, and make contraceptives available on site. *Id.* at 16; see also Douglas Kirby et al., *The Effects of School-Based Health Clinics in St. Paul on School-Wide Birthrates*, 25 FAM. PLAN. PERSP. 12 (1993) (finding that school health clinics in St. Paul, Minnesota, had no significant impact on pregnancy rates, but noting that the community had low teenaged birth rates even before institution of the clinics; clinics also lacked the power to dispense contraceptives on site).

²⁰ HARDY & ZABIN, *supra* note 19, at 348–49 (school-based clinics that distributed free contraceptives in Baltimore did not increase sexual activity); Kirby et al., *Six School-Based Clinics*, *supra* note 19 (health clinics in three schools that dispensed contraceptives on site, as well as one that gave vouchers for free birth control pills, did not significantly increase sexual activity when compared to control schools; test schools located in widely different regions); Kirby et al., *supra* note 16, at 352–53 (studies repeatedly demonstrate that sex education does not increase sexual activity).

clinics.²¹ We can educate teenagers about sex, and even offer them birth control, without significantly increasing their sexual activity.

B. Abortion

The second type of programs that demonstrably reduce teenaged childbearing are initiatives that make legalized abortions more accessible and affordable to teenagers. When New York liberalized its abortion laws in 1970, birthrates in New York City fell 18.7% among black teenagers and 14.1% among white teenagers.²² Similar effects occurred nationwide as abortion bans succumbed to judicial or legislative attack.²³

More recent comparisons among states confirm that, at least for white

²¹ HARDY & ZABIN, *supra* note 19, at 348 (exposure to 28-month program that included free access to contraceptives delayed sexual initiation from a median age of 15 years, 7 months, to a median age of 16 years, 2 months); *id.* at 353 (statistical models used to analyze decrease in pregnancy rate among population exposed to comprehensive sex education program, including free access to contraceptives, "suggest that the reductions were due as much to reductions in coital frequency as they were to improved contraception"); Kirby et al., *Six School-Based Clinics*, *supra* note 19, at 11 (at a school providing vouchers for birth control pills, significantly fewer women reported ever having sex than did women in a control school that did not dispense vouchers; at one school dispensing contraceptives on site, significantly fewer men had engaged in sex than at a control school where contraceptives were not dispensed; in both that school and a second school dispensing contraceptives on site, the mean age at first intercourse was higher for either men or women than at control schools that did not dispense contraceptives); Kirby et al., *supra* note 16, at 352 ("[T]wo curriculums that specified delaying the onset of intercourse as a clear goal . . . successfully reduced the proportion of sexually inexperienced students who initiated sex during the following 12 to 18 months. Notably, both groups also received instruction on contraception."); *id.* at 353 (one of these programs also significantly reduced the frequency of intercourse among students who did initiate sex after beginning the program); Leighton C. Ku et al., *The Association of AIDS Education and Sex Education with Sexual Behavior and Condom Use Among Teenage Men*, 24 FAM. PLAN. PERSP. 100, 103 (1992) (sex education that included training in resistance skills "was associated with significant reductions both in the number of sexual partners in the last year and in the frequency of intercourse").

²² Theodore J. Joyce & Naci H. Mocan, *The Impact of Legalized Abortion on Adolescent Childbearing in New York City*, 80 AM. J. PUB. HEALTH 273, 277 (1990). Joyce and Mocan speculate that teen use of abortions may have grown since 1970, meaning that the relationship between teen births and accessible abortions is even stronger today than it was twenty-five years ago. *Id.* at 277-78.

²³ See Kristin A. Moore & Steven B. Caldwell, *The Effect of Government Policies on Out-of-Wedlock Sex and Pregnancy*, 9 FAM. PLAN. PERSP. 164, 167 (1977) (noting that the "wide availability of legal abortion ha[d] a strong, statistically significant impact on pregnancy outcome" in the early nineteen seventies).

teenagers, liberal abortion laws correspond to significantly lower birth rates.²⁴ These "liberal" states do not require parental consent for a minor's abortion and impose fewer restrictions on second-trimester abortions.²⁵ States that offer publicly funded abortions also enjoy significantly lower teen birthrates.²⁶ The relationships for black teenagers are not as plain, partly because those teens significantly underreport both pregnancies and abortions.²⁷ At least one study, however, demonstrates a significant relationship between availability of abortion and births to black teenagers.²⁸

Overall, teenagers terminate 42% of their pregnancies through abortion—twice the rate for women between the ages of twenty-five and thirty-four.²⁹

²⁴ Shelly Lundberg & Robert D. Plotnick, *Effects of State Welfare, Abortion and Family Planning Policies on Premarital Childbearing Among White Adolescents*, 22 FAM. PLAN. PERSP. 246, 247 (1990) [hereinafter Lundberg & Plotnick, *Abortion and Family Planning*] (findings limited to white teenagers); Shelly Lundberg & Robert D. Plotnick, *Adolescent Premarital Childbearing: Do Economic Incentives Matter?*, 13 J. LAB. ECON. 177, 177 (1995) [hereinafter Lundberg & Plotnick, *Economic Incentives*] (findings limited to white teenagers); Susheela Singh, *Adolescent Pregnancy in the United States: An Interstate Analysis*, 18 FAM. PLAN. PERSP. 210, 215 (1986) (index of nonrestrictive abortion policies significantly related to abortion rate for all teenagers as a group and for black teenagers as a subgroup).

²⁵ See Lundberg & Plotnick, *Abortion and Family Planning*, *supra* note 24, at 248. The social attitudes in states maintaining liberal abortion laws may be as important as the laws themselves in enhancing teen access to abortions. *Id.* at 251. Whether the effect is legal, cultural, or a combination of those two factors, teen birthrates are significantly lower in states that regulate abortion more lightly.

Other researchers have used somewhat different measures of abortion accessibility, combining the percentage of the population living in counties with facilities that regularly perform abortions with the abortion rate for adult women. Singh, *supra* note 24, at 216.

²⁶ Lundberg & Plotnick, *Abortion and Family Planning*, *supra* note 24, at 249 (white teenagers); Lundberg & Plotnick, *Economic Incentives*, *supra* note 24, at 190 (white teenagers); Mark I. Evans et al., *The Fiscal Impact of the Medicaid Abortion Funding Ban in Michigan*, 82 OBSTETRICS & GYNECOLOGY 555, 556 (1993) (about one-fifth of pregnant women eligible for Medicaid would opt for abortion if public funds were available; without funding, they carry their pregnancies to term); Singh, *supra* note 24, at 211–13 (black teenagers).

²⁷ Lundberg & Plotnick, *Economic Incentives*, *supra* note 24, at 190. This study identified no significant relationship between liberal abortion laws and the birthrate for black teenagers. *Id.* at 189. Indeed, Lundberg and Plotnick found a significant *negative* relationship between public funding of abortions and abortion rates for black teens. *Id.* at 189. They cautioned, however, that their sample of black teenagers was small and that analyses of births to black teenagers suffer from the reporting defects noted above. *Id.* at 190. For these reasons, they "place[d] little confidence in any of the[ir] findings for blacks," *id.* at 190, and urged further study of the relationship between abortion funding and birthrate for black teenagers.

²⁸ Singh, *supra* note 24, at 216.

²⁹ Forrest & Singh, *supra* note 12, at 213.

Abortion remains controversial in our society, but any discussion of teenaged births cannot ignore the fact that births rise as access to abortion goes down.

C. Education and Employment Opportunities

The final set of programs that would reduce teenaged births are plans that give teenagers realistic educational and employment goals to take the place of early pregnancy and childbearing. Hope and ambition replace the self-doubt and resignation that often lead to teenaged births.

Many studies trace a relationship between early childbearing and lack of employment or educational opportunities. Teenagers who are enrolled in school, maintain better grades, and have high educational and career aspirations, are less likely to deliver babies than are other teens.³⁰ Conversely, teenagers who live in neighborhoods with high unemployment rates and low wages are significantly more likely than other teens to bear children.³¹ Substantial evidence, in other words, suggests that teenagers who see no economic future for themselves are most likely to fall into pregnancy and then accept early childbirth. The alternatives simply are not strong enough to pull them in the other direction.³²

³⁰ Chong-Bum An et al., *Teen Out-of-Wedlock Births and Welfare Receipt: The Role of Childhood Events and Economic Circumstances*, 75 REV. OF ECON. & STAT. 195 (1993); Randall H. King et al., *The Demand for Abortion by Unmarried Teenagers: Economic Factors, Age, Ethnicity, and Religiosity Matter*, 51 AM. J. ECON. & SOC. 223 (1992); Arleen Leibowitz et al., *An Economic Model of Teenage Pregnancy Decision-Making*, 23 DEMOGRAPHY 67 (1986); Dawn M. Upchurch & James McCarthy, *The Timing of a First Birth and High School Completion*, 55 AM. SOC. REV. 224 (1990); Dennis P. Hogan et al., *Social and Environmental Factors Influencing Contraceptive Use Among Black Adolescents*, 17 FAM. PLAN. PERSP. 165 (1985); Robert D. Plotnick, *The Effects of Attitudes on Teenage Premarital Pregnancy and Its Resolution*, 57 AM. SOC. REV. 800 (1992); Hofferth & Moore, *supra* note 5, at 797.

³¹ King et al., *supra* note 30; T. Paul Schultz, *Marital Status and Fertility in the United States: Welfare and Labor Market Effects*, 29 J. HUM. RESOURCES 637, 656 (1994) (an increase in women's wages is significantly associated with reduced childbearing, especially among black women between the ages of 15 and 24); *see also* Greg J. Duncan & Saul D. Hoffman, *Welfare Benefits, Economic Opportunities, and Out-of-Wedlock Births Among Black Teenage Girls*, 27 DEMOGRAPHY 519, 523 (1990) (positive career opportunities and marriage prospects significantly reduce likelihood of births among black teenagers). *But see* An et al., *supra* note 30, at 207 (finding no significant relationship between neighborhood economic conditions and unwed teen pregnancies).

³² Sociologists dub this explanation of teenaged childbearing the "nothing to lose" or "low opportunity cost" hypothesis. For additional articulations of this hypothesis, *see* WILLIAM J. WILSON, *THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS AND PUBLIC POLICY* (1987); Elijah Anderson, *Sex Codes and Family Life Among Poor Inner-City Youths*,

We do not yet have a large body of careful studies on the effects of employment or education programs on teenaged childbearing. A few programs, however, report encouraging results. Between 1978 and 1980, the Youth Incentive Entitlement Pilot Projects offered part-time jobs during the school year, and full-time jobs during the summer, to male and female high school students from low-income households.³³ Sufficient jobs were available for all youths who qualified for the program; more than 80,000 teenagers in seventeen locations participated in the scheme.³⁴ A matched comparison of four of these program sites with similar neighborhoods lacking the program showed that job availability significantly reduced teenaged childbearing.³⁵ Indeed, a ten percent increase in teen jobs cut the probability of teen births by more than fifteen percent.³⁶

A few other demonstration programs also report reductions in teen birthrates by offering underprivileged teenagers jobs, mentors, or opportunities to aid the community through volunteer work.³⁷ More empirical work needs to be done in this area, but raising self-esteem, cultivating ambition, and offering hope for the future appear to be vital elements in reducing teen childbearing.

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In sum, we could reduce teenaged childbearing substantially within the next three years if we enhanced sex education programs, made contraceptives readily available to teenagers, increased access to and public funding for abortion, and offered jobs or better training to disadvantaged youths. Even one of these programs would significantly cut the rate of teenaged births. If we

501 ANNALS AM. ACAD. POL. & SOC. SCI. 59 (1989).

³³ See Randall J. Olsen & George Farkas, *The Effect of Economic Opportunity and Family Background on Adolescent Cohabitation and Childbearing Among Low-Income Blacks*, 8 J. LAB. ECON. 341, 342-43 (1990). Both academic-year and summer jobs paid the minimum wage. *Id.* at 343. Youths had to remain enrolled in school to qualify for the jobs. *Id.*

³⁴ *Id.* at 343, 347.

³⁵ *Id.* at 343, 351. The researchers limited their analysis to black teenagers because they comprised the majority of participants. *Id.* at 347.

³⁶ *Id.* at 353. Increased job availability also significantly increased marriage or cohabitation among these underprivileged teenagers. *Id.* at 351.

³⁷ Joseph P. Allen et al., *School-Based Prevention of Teenage Pregnancy and School Dropout: Process Evaluation of the National Replication of the Teen Outreach Program*, 18 AM. J. COMMUNITY PSYCHOL. 505 (1990) (describing program that combined classroom counseling with involvement of teens in volunteer projects); THEODORE OOMS & LISA HERENDEEN, AMERICAN ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY, *TEENAGE PREGNANCY PREVENTION PROGRAMS: WHAT HAVE WE LEARNED? MEETING HIGHLIGHTS AND BACKGROUND BRIEFING REPORT: REPORT OF A FAMILY IMPACT SEMINAR* (1989).

doubt our ability to have an impact on teenaged pregnancies and births, we only need to look at the rest of the world. The United States has the highest teenaged pregnancy rate among developed nations.³⁸ Our teenagers become pregnant twice as often as Canadian or English teenagers, three times as often as Swedish teenagers, and seven times as often as teens from the Netherlands.³⁹ Those countries have discovered no secret elixir to promote chastity or inhibit fertility. They have simply pursued policies that we have refused to implement.

II. THE FAILURE: WHY HAVE WE BEEN UNABLE TO REDUCE TEEN CHILDBEARING?

If we know what works in reducing teenaged childbearing, and if other developed nations have been able to make strides towards that goal, why have we been so unwilling to adopt effective remedies? The answer is not cost. Studies repeatedly show that sex education, contraceptive clinics, and publicly funded abortions are cost-effective in avoiding the more substantial burdens of teenaged births.⁴⁰ Educational and employment programs are more expensive, especially if they guarantee jobs to teenagers, but there is hope that these programs too could pay for themselves.⁴¹

Part of the answer is morality. Sex education, contraceptives, and abortion provoke strong moral reactions in the American public. In this area, however, the true moral majority sometimes fails to assert itself. Communities neglect to implement comprehensive sex education programs even when the overwhelming majority of local residents support those classes.⁴² There has

³⁸ Stanley K. Henshaw & Jennifer Van Vort, *Teenage Abortion, Birth and Pregnancy Statistics: An Update*, 21 FAM. PLAN. PERSP. 85, 87 (1989); Elise F. Jones et al., *Teenage Pregnancy in Developed Countries: Determinants and Policy Implications*, 17 FAM. PLAN. PERSP. 53, 54 (1985).

³⁹ Jones et al., *supra* note 38, at 55.

⁴⁰ CENTER FOR POPULATION OPTIONS, *TEENAGE PREGNANCY AND TOO-EARLY CHILDBEARING: PUBLIC COSTS, PERSONAL CONSEQUENCES* (6th ed. 1992); Evans et al., *supra* note 26; Joyce & Mocan, *supra* note 22, at 278; see also Martha R. Burt & Frank Levy, *Estimates of Public Costs for Teenage Childbearing: A Review of Recent Studies and Estimates of 1985 Public Costs*, in 2 RISKING THE FUTURE, *supra* note 8, at 264 (summarizing studies calculating costs of teen childbearing and showing how to compare those costs with the costs of programs designed to reduce teen childbearing).

⁴¹ See Janet Reis, *Costs and Benefits of Deferred Teenage Births*, 14 EVALUATION & PROGRAM PLAN. 63 (1991) (outlining heavy costs of teen births and suggesting that prevention generally is cost effective).

⁴² Firestone, *supra* note 18, at 130 (noting that although 87% of the public in New Jersey supports offering sex education in junior and senior high schools, and 86% specifically approve teaching about contraceptive methods and safer sex, opponents of sex education repeatedly

been no rush to distribute condoms in high schools, even though as many as two-thirds of adults nationwide say they would support that result.⁴³ And our morality regarding abortion is curiously mixed: Three-quarters of American adults support a woman's right to terminate an unwanted pregnancy under some circumstances,⁴⁴ and most private health insurance plans pay for the procedure,⁴⁵ yet the majority of Americans oppose Medicaid funding of abortion.⁴⁶ Moral sensibility alone does not explain why abortion is a choice for women with wealth or private health insurance, but not for women without either. And morality alone cannot explain our failure to address teen pregnancy more aggressively.

Sexism shoulders a second share of blame for our inadequate response to teen childbearing. The cost of teenaged births falls largely on teenaged women, rather than men. Each year, ten percent of all teenaged women discover that they are pregnant and confront the prospect of diminished schooling and depleted futures.⁴⁷ If one in ten teenaged men faced such a substantial threat to their economic futures, we probably would declare a national emergency. But our nation consistently devotes more attention, and more resources, to the problems of men than those of women.⁴⁸ And we are still more likely to see

attack those classes, administrative support for sex education is low, and programs are not as comprehensive as they should be; this "discrepancy between the effectiveness of opposition to sexuality education and the supportiveness of public opinion remains a puzzle"). In January of 1995, an ABC Newspann of more than 1,000 adults nationwide revealed that 77% support sex education courses in schools. *Survey*, ABC NEWS, Feb. 17, 1995, *available in* LEXIS, News Library, Cumws File, Accession No. 0238681.

⁴³ Kirby et al., *supra* note 16, at 341. A January 1995 poll of more than 1,000 adults yielded a slightly lower majority (59%) favoring the distribution of condoms or other contraceptives through school health clinics. *Survey*, ABC NEWS, Feb. 17, 1995, *available in* LEXIS, News Library, Cumws File, Accession No. 0238702.

⁴⁴ See, e.g., *After Roe vs. Wade*, SAN FRANCISCO CHRON., Jan. 24, 1995, at A20 (according to a CBS poll conducted in January 1995, 75% of the American public "favors making abortion either generally available or available with some limits"); Bob Minzesheimer, *Gramm Sees No Consensus for Constitutional Change*, USA TODAY, Mar. 13, 1995, at 8A (noting that a USA Today/CNN/Gallup Poll conducted in February 1995 found that 32% of adults thought abortion should be legal under any circumstances; 9% supported legality under "most" circumstances; and 41% would permit abortion under "certain" circumstances).

⁴⁵ *MacNeil Lehrer News Hour* (Aug. 9, 1994) (two-thirds of private health insurance plans cover the costs of abortion).

⁴⁶ According to a July 1994 poll of 3,800 adults, only 43% favor Medicaid funding abortions, while 55% oppose using those funds for abortions. *Survey*, TIMES MIRROR, Sept. 21, 1994, *available in* LEXIS, News Library, Cumws File.

⁴⁷ *Rate of Births For Teen-Agers Drops Again*, N.Y. TIMES, Sept. 22, 1995, at A18 (reporting estimate by the Centers for Disease Control and Prevention).

⁴⁸ See, e.g., AAUW EDUC. FOUND. & NAT'L EDUC. ASS'N, *HOW SCHOOLS SHORTCHANGE*

boys, rather than girls, as future breadwinners whose economic potential must be protected. The fact that teenaged births are a female problem has enhanced our willingness to rely upon private solutions (such as strengthening family values) rather than to seek systematic social intervention.

Racism, finally, must accept part of the blame for our failure to confront teenaged childbearing. Teenaged births are disproportionately high among teenagers of color; the birthrate among those teens is more than twice as high as the rate among white teens.⁴⁹ Nonwhite teenagers, moreover, account for the majority of births to teens under age fifteen.⁵⁰ Just as our society responds more forcefully to the needs of men than those of women, we address the problems of our white majority more readily than we remedy those of minority races. Adult black men already suffer from an unemployment rate of 13.4%,⁵¹ yet we have not declared a national emergency to address that problem. The same unemployment crisis undoubtedly would goad us into action if white men were affected as severely.⁵² Similarly, identification of teenaged childbearing

GIRLS: A STUDY OF MAJOR FINDINGS ON GIRLS AND EDUCATION (1992) (documenting manner in which the educational system devotes more attention to the needs of boys than girls); MARILYN FRENCH, *THE WAR AGAINST WOMEN* (1992) (outlining systemic discrimination against women in a variety of cultures).

⁴⁹ Kristin A. Moore et al., *Statistical Appendix: Trends in Adolescent Sexual and Fertility Behavior*, in 2 *RISKING THE FUTURE*, *supra* note 8, at 353, 457 (showing that in 1984, 42.5 of every 1000 white teenagers between the ages of 15 and 19 gave birth, while 95.7 of every 1000 black teenagers in that age range gave birth). Because whites comprise a larger percentage of our population, births to white teenagers still outnumber births to teens of color by more than two-to-one. *Id.* at 454 (showing that 324,912 white teenagers bore babies in 1984, compared to 154,735 nonwhite teenagers). The high rate of teenaged childbearing among minority populations, however, combined with the fact that nonwhite teens are less likely to marry their sexual partners, feeds the perception that teenaged births are linked to race.

⁵⁰ *Id.* (reporting that in 1984, 6,006 nonwhite teenagers under age 15, compared to 3,959 white teenagers under that age, gave birth).

⁵¹ Rebecca M. Blank, *The Employment Strategy: Public Policies to Increase Work and Earnings*, in *CONFRONTING POVERTY: PRESCRIPTIONS FOR CHANGE* 168, 171 (Sheldon H. Danziger et al. eds., 1994) (reporting unemployment figures for 1992).

⁵² The unemployment rate for adult white men is less than half the rate for adult black men: about 6.3% (1992 figures). Blank, *supra* note 51, at 171; cf. David Holmstrom, *Why Young African-American Men Fill US Jails*, *CHRISTIAN SCI. MONITOR*, Oct. 5, 1995, at 12 (quoting Marc Mauer, coauthor of a report showing that one out of every three black men in their twenties is under the supervision of the criminal justice system, as saying: "If these numbers were for young white men, the nation would declare a national emergency.").

Our differential response to the needs of white and black citizens produces sharp disparities in overall well-being. A recent United Nations survey found that white Americans lead the world in well-being, while black Americans rank twenty-seventh when compared to the citizens of other nations. Reena Shah Stamets, *Report Finds Poor Nations Improving*, *St.*

with black and Hispanic-Americans has made the problem less pressing to the political majority.

Morality, sexism, and racism are important, but these three answers do not explain the entire puzzle of our failure to diminish teenaged childbearing. Our society has made remarkable changes since 1930, changes that overturned settled economic expectations, challenged deeply held cultural beliefs, offended religious sensibilities, and benefited both women and racial minorities. We created a state-run retirement system and health plan for the aged; ended de jure racial segregation; outlawed both sex and race discrimination in schools, workplaces, and public accommodations; and admitted a significant number of white women, women of color, and men of color to high-status, high-paying jobs. All of these steps were hard at the time, but we accomplished them and continue to work at them. Why have we been unable to do the same with remedies for teenaged childbearing?

Perhaps we fail to address teenaged births more aggressively because that problem shields us from a deeper dilemma we are unwilling to face. The United States now has the most unequal distribution of both wealth and income in the Western world.⁵³ In 1994, the top fifth of American families took home 49.1% of the country's aggregate income, the highest share yet recorded by the census bureau.⁵⁴ The bottom fifth of American families secured only 3.6% of that income.⁵⁵ The top *one* percent of American families now control nearly forty percent of the country's wealth.⁵⁶ And these income inequalities exist *after* the government cash transfers like AFDC payments, unemployment compensation, and social security that we like to think are so generous.⁵⁷ This

PETERSBURG TIMES, Aug. 18, 1995, at 2A. Hispanic-American citizens rank a dismal thirty-second when compared to the citizens of other nations. The U.N. estimate of "well-being" includes such measures as life expectancy, adult literacy rate, and economic purchasing power. Differences of this magnitude suggest that our society systematically, and over time, has responded more readily to the problems of white Americans than to those of minority races.

⁵³ Keith Bradsher, *Gap in Wealth in U.S. Called Widest in West*, N.Y. TIMES, Apr. 17, 1995, at A1.

⁵⁴ *Census Data Show Only High-Income Households Have Recovered Fully from Recession*, U.S. NEWswire, Oct. 9, 1995, available in LEXIS, News Library, Curnws File [hereinafter cited *Census Data* article].

⁵⁵ *Id.* These figures represent the most recent extremes of an income polarization that began in 1969. See Sheldon H. Danziger & Daniel H. Weinberg, *The Historical Record: Trends in Family Income, Inequality, and Poverty*, in CONFRONTING POVERTY: PRESCRIPTIONS FOR CHANGE, *supra* note 51, at 18, 23.

⁵⁶ Bradsher, *supra* note 53, at D4.

⁵⁷ Danziger & Weinberg, *supra* note 55, at 20. The measures do not include in-kind benefits (such as Medicaid or food stamps) and do not subtract taxes paid. *Id.* The omission of taxes actually understates the extent of current inequality because high-income families reaped

is how unequal our society has become, even before any further rending of our safety net.

Nor should we pretend that Americans at the bottom of this income chasm are prosperous compared to the poor in other countries. The purchasing power of low-wage Americans is substantially lower than that of "low-wage workers in virtually all other advanced countries."⁵⁸ Those nations also supplement the wages of their workers with more health benefits and social services than we do.⁵⁹ The poor in this country are worse off in both relative and absolute terms when compared to the poor in other advanced nations.

In our hearts, we suspect that this inequality cannot foster equal opportunity. Empirical research bears out that surmise: Even after controlling for factors like ability, educational attainment, and personal aspirations, family income significantly influences the success of children.⁶⁰ Our nation is not one of level playing fields or equally metered relays. It is one of gross inequality, where one out of every three children born in wealth will remain in the top income quintile as an adult, while only one in every fifty children born in poverty will reach that pinnacle.⁶¹

Yet this country was founded on the notion of equality, especially equality of opportunity.⁶² To reconcile those beliefs with the reality of inequality and

significant benefits from tax reforms during the nineteen eighties. "As a result, post-tax income inequality increased even more over the 1980s than did pretax inequality." *Id.* at 25.

⁵⁸ Richard D. Freeman, *Lessons For the United States*, in *WORKING UNDER DIFFERENT RULES* 223, 226 (Richard B. Freeman ed., 1994).

⁵⁹ *Id.*

⁶⁰ WILLIAM H. SEWELL & ROBERT M. HAUSER, *EDUCATION, OCCUPATION, AND EARNINGS: ACHIEVEMENT IN THE EARLY CAREER* (1975); Martha S. Hill & Greg J. Duncan, *Parental Family Income and the Socioeconomic Attainment of Children*, 16 *SOC. SCI. RES.* 39 (1987); Christopher Jencks et al., *The Wisconsin Model of Status Attainment: A National Replication with Improved Measures of Ability and Aspiration*, 56 *SOC. OF EDUC.* 3 (1983); see also Sara McLanahan, *Family Structure and the Reproduction of Poverty*, 90 *AM. J. SOC.* 873, 897 (1985) (explaining that low income, rather than single parenting, reduces likelihood that children will complete school). Individual ability, motivation, and educational attainment, of course, also significantly affect a child's success in life.

⁶¹ Greg J. Duncan, *The Economic Environment of Childhood*, in *CHILDREN IN POVERTY* 23, 42 (Aletha C. Huston ed., 1991). Conversely, 43% of children raised in the bottom income quintile remain in that quintile as adults. *Id.* Only 9% of children raised in the most affluent quintile drop to the bottom fifth as adults. *Id.*

⁶² Absolute equality of opportunity may be chimerical in any society combining private enterprise, differential incomes, and family-centered childcare. In those societies, children from different families will never have identical opportunities to succeed. Commitment to an ideal, however, may tolerate some divergence from the absolute. The difficulty we face today is that the gap between ideal and reality has widened to the point where we must begin to question the genuineness of our commitment to the ideal.

poverty today, we must be able to identify personal choices as the root of poverty. Teenaged childbearing is the perfect candidate. We tell ourselves that some teenagers choose to become pregnant, or foolishly permit themselves to get pregnant. Those choices, we want to believe, explain their poverty, the destitution of their children, and the cycles of disadvantage now evident in our poorest neighborhoods. We can feel sorry for these women and children, we can extend charity to them, but we don't need to feel responsible because we tell ourselves that they had the same chance to become lawyers, doctors, and social workers as our own children do—and they chose a different path instead.

Perhaps we don't move more vigorously to end teenaged childbearing because we intuit the final part of my story, the fact that eliminating teenaged births will not end poverty. Suppose we dramatically reduced teenaged childbearing and then discovered that our economy still did not produce enough jobs, at high enough wages, to permit all healthy twenty-five-olds to marry and bear children without sinking below the poverty line? Then what would we do?

III. IS TEENAGED CHILDBEARING THE ROOT CAUSE OF POVERTY?

The time has come to ask whether teenaged childbearing really causes poverty. I began this essay with a list of socioeconomic evils that correlate with teenaged births: lost schooling, low wages, poor health, child abuse, and welfare dependence. Simple correlations, however, fail to account for the fact that teenaged mothers are not randomly drawn from our population. Teen mothers come overwhelmingly from disadvantaged socioeconomic backgrounds.⁶³ They are also disproportionately likely to have suffered histories of physical and sexual abuse.⁶⁴ Does teenaged childbearing cause poor

⁶³ Geronimus & Korenman, *supra* note 5, at 1196.

⁶⁴ See AAUW EDUC. FOUND. & NAT'L EDUC. ASS'N, *supra* note 48, at 38 (61% of pregnant teens and teen mothers reported an unwanted sexual encounter; the women's average age at the time of these encounters was 11.5 years) (citing study by the Illinois Ounce of Prevention Fund); Debra Boyer & David Fine, *Sexual Abuse as a Factor in Adolescent Pregnancy and Child Maltreatment*, 24 FAM. PLAN. PERSP. 4, 8 (1992) (Two-thirds of teenagers associated with community or school programs for pregnant or parenting teens had been sexually abused, and another tenth had been physically abused. Forty-four percent of the teenagers had been coerced into sexual relations; average age of the woman at first coercion was 13.3, while average age of the perpetrator was 22.6.); Janice R. Butler & Linda M. Burton, *Rethinking Teenage Childbearing: Is Sexual Abuse a Missing Link?*, 39 FAM. REL. 73, 73 (1990) (more than half of 41 teen mothers had at least one sexually abusive experience before turning 18); Harold P. Gershenson et al., *The Prevalence of Coercive Sexual Experience Among Teenage Mothers*, 4 J. INTERPERSONAL VIOLENCE 204, 209–10 (1989) (reporting that almost two-thirds of 333 pregnant teenagers participating in a voluntary parenting program had suffered at least one unwanted sexual experience before becoming pregnant).

outcomes for these mothers and their children, or do disadvantaged backgrounds produce those outcomes?

To answer this question, we must try to determine how the children of teenaged mothers would have fared if those same mothers had postponed childbearing until later years. A growing literature suggests that socioeconomic factors and family background have a far greater effect on parent/child welfare, while teenaged childbearing has less of an effect, than we traditionally have assumed. This literature also suggests that the effects of teenaged childbearing vary among different racial groups.

One recent study found that after controlling for both the mother's cognitive achievement and the quality of the child's home environment, the children of teenaged black and Hispanic mothers had *higher* cognitive scores than the children of black or Hispanic mothers who postponed their childbearing.⁶⁵ Among white children, teenaged childbearing had no effect on cognitive development after controlling for home environment and mother's cognitive achievement; the children of white teens fared as well as children born to older white mothers.⁶⁶ Another analysis of more than 1,700 first cousins found little evidence that birth to a teen mother impaired home environment, child behavior, or cognitive development.⁶⁷ Indeed, after controlling for socioeconomic status and family background, the children of teen mothers fared significantly *better* on three outcomes than did first cousins born to older mothers.⁶⁸ No significant differences favored the children of nonteen mothers.

Similarly, recent studies suggest that early maternal age alone does not significantly impair child health. One pair of investigators found that children born to teenaged mothers would *not* weigh significantly more if those mothers deferred childbearing.⁶⁹ Studies have also suggested that, at least for

⁶⁵ Moore & Snyder, *supra* note 9.

⁶⁶ *Id.* at 592.

⁶⁷ Geronimus et al., *supra* note 9, at 596.

⁶⁸ *Id.* This study controlled for family background by analyzing the development of children born to sisters, where at least one sister started childbearing in her teens and the other(s) deferred childbirth until after age 19. *Id.* at 592. Even the children of very young teenaged mothers (those who gave birth before age 18) fared significantly better than the children of older mothers on two outcomes. *Id.* at 598.

⁶⁹ Mark R. Rosenzweig & Kenneth I. Wolpin, *Sisters, Siblings, and Mothers: The Effect of Teen-Age Childbearing on Birth Outcomes in a Dynamic Family Context*, 63 *ECONOMETRICA* 303, 311 (1995); see also Arline T. Geronimus, *The Effects of Race, Residence, and Prenatal Care on the Relationship of Maternal Age to Neonatal Mortality*, 76 *AM. J. PUB. HEALTH* 1416, 1420 (1986) (revealing that the relationship between teenaged births and negative outcomes like preterm birth, low birthweight, and neonatal death is confounded by other factors); Arline T. Geronimus & Sanders Korenman, *Maternal Youth or*

disadvantaged black women, babies may be healthier when born to mothers in their teens than to older women.⁷⁰ Controlling for socioeconomic background, finally, substantially diminishes the difference between teenage and older mothers in reports of child abuse.⁷¹

These conclusions must be viewed with caution, because the studies continue to suggest *some* independent effect of teenaged childbearing. At least some analyses continue to show that teen births significantly reduce family income, although these effects are considerably smaller after controlling for the mother's background.⁷² Early childbearing also impairs the mother's

Family Background? On the Health Disadvantages of Infants with Teenage Mothers, 137 AM. J. EPIDEMIOLOGY 213 (1993) (suggesting that many health related problems stem from family background rather than early birth).

⁷⁰ Black mothers are significantly less likely to smoke during their teenage years than later, cutting the prenatal health risks from smoking. M. Klitsch, *U.S. Fertility Rates Fell During 1992, Even Among Teenagers, Women Over 30*, 27 FAM. PLAN. PERSP. 91, 92 (1995) (reporting that only 4–7% of teenaged black mothers smoke, compared to 21% of black mothers in their thirties). The opposite pattern holds for white mothers. *Id.*; see also Trude Bennett et al., *Maternal Marital Status as a Risk Factor for Infant Mortality*, 26 FAM. PLAN. PERSP. 252, 254 (1994) (noting that for black teenaged mothers, remaining unwed does not significantly increase risks of infant mortality; in addition, those risks are significantly less for unwed black teenaged mothers than for older unwed black mothers); Geronimus & Korenman, *supra* note 69.

⁷¹ E. Milling Kinard & Lorraine V. Klerman, *Teenage Parenting and Child Abuse: Are They Related?*, 50 AM. J. ORTHOPSYCHIATRY 481 (1980); John M. Leventhal et al., *Reassessment of the Relationship of Perinatal Risk Factors and Child Abuse*, 138 AM. J. DISEASES OF CHILDREN 1034 (1984).

⁷² Geronimus & Korenman, *supra* note 5; Hofferth & Moore, *supra* note 5; S.D. Hoffman et al., *Reevaluating the Costs of Teenage Childbearing*, 30 DEMOGRAPHY 1 (1993); Kristin A. Moore et al., *Age at First Childbirth and Later Poverty*, 3 J. RES. ADOLESCENCE 393 (1993). Hoffman and his associates found that 28% of the teenaged mothers in their sample were poor. Using a model that controlled for both socioeconomic background and family influences (through sister comparisons), they estimated that 16% of these women would have been poor if they had deferred childbearing until their twenties.

Geronimus and Korenman, like Hoffman, controlled for family background by studying outcomes for matched pairs of sisters who bore their first child as teens or adults. Geronimus & Korenman, *supra* note 5, at 1189 n.3. Like Hoffman, they found residual effects of teenaged births on income after controlling for socioeconomic and family background in three different populations. *Id.* at 1189. In two of the three populations, however, these effects disappeared after controlling for marital status and high school completion. *Id.* at 1209–10. Geronimus and Korenman note the difficulty of disentangling causal relationships among teenaged childbearing, marital status, and educational completion, *id.* at 1210, and also warn that important differences exist even among sisters. *Id.* at 1188. For the latter reason, even sister studies may overestimate the impact of teenaged childbearing on poverty. *Id.* at 1189. Geronimus and Korenman conclude that the true effects of teenaged childbearing on poverty

education, although once again these effects are smaller than previously believed.⁷³ There is also evidence that any negative effects differ by race, with teenaged childbearing having much less impact on the long-term welfare of black women and their children than on white women and children.⁷⁴

We have good reason, in other words, to continue efforts to reduce teen births. Teenaged childbearing has some impact on poverty, and deferring childbirth will improve the lot of at least some women and children. At the same time, these studies sound a warning that poor outcomes for the children of teenaged mothers may derive more from poverty than from the teenaged births themselves. And the studies raise the dispiriting prospect that these

remain unclear. *Id.* at 1211.

Underlying problems in the databases used by both of these studies, *see, e.g.*, Geronimus & Korenman, *supra* note 5, at 1190–92, 1206–08, counsel further caution in determining just how large the effect of teenaged childbearing is on family income and other outcomes. The studies, however, do demonstrate that these effects are considerably less than simple correlations of teenaged pregnancy and outcomes might suggest. *See also* Jeff Grogger & Stephen Bronars, *The Socioeconomic Consequences of Teenage Childbearing: Findings from a Natural Experiment*, 25 FAM. PLAN. PERSP. 156, 159 (1993) (using twin births to estimate the effects of unplanned teenaged births, and finding that an early unplanned birth significantly reduced the mother's income, although the effects were less than usually predicted).

⁷³ Hofferth & Moore, *supra* note 5; Klepinger et al., *supra* note 2; Hoffman et al., *supra* note 72; Namkee Ahn, *Teenage Childbearing and High School Completion: Accounting for Individual Heterogeneity*, 26 FAM. PLAN. PERSP. 17 (1994). Hoffman and his colleagues determined that 54% of the teen mothers in their population graduated from high school, and estimated (relying on sister comparisons) that 72% would have graduated if they had deferred their childbearing. Hoffman et al., *supra* note 72.

Ahn estimated that white teenaged mothers were only .32 as likely as nonmothers to have completed high school by age 20. Ahn, *supra*, at 20. Using a proportional hazards model, Ahn estimated that 25% of this difference was due to the birth itself, 30% to family background factors, and 45% to individual heterogeneity. *Id.* Postponing childbirth, in other words, would only address about one-quarter of the education gap. For black women, Ahn found that teenaged mothers were .47 as likely as nonmothers to graduate from high school before age 20. *Id.* The birth accounted for 48% of this gap, family background for 27%, and individual heterogeneity for 25%. *Id.* Hispanic teenaged mothers were .35 as likely to graduate from high school as nonmothers. *Id.* For this group, the teen birth accounted for 31% of the gap, family background for 20%, and individual heterogeneity for 48%. *Id.*

See also Margaret M. Marini, *Women's Educational Attainment and the Timing of Entry into Parenthood*, 49 AM. SOC. REV. 491, 503 (1984) (identifying a significant positive relationship between teenaged childbearing and school cessation, after controlling for numerous factors; size of the relationship, however, was smaller than previously anticipated); Moore et al., *supra* note 72, at 416 (teenaged childbearing significantly reduced educational attainment for Hispanic women, after controlling for a variety of factors, but not for white or black women).

⁷⁴ *See, e.g.*, Hofferth & Moore, *supra* note 5, at 808; Moore et al., *supra* note 72, at 416.

women and their children might not fare much better even if they deferred childbearing into their twenties.⁷⁵

Examination of broader socioeconomic data confirms this suspicion. In 1994, one-sixth of full-time, year-round American workers earned too little to support a family of four above the poverty line.⁷⁶ Similarly, one-third of American men between the ages of twenty-five and thirty-four now earn too little to lift a family of four above that poverty line.⁷⁷ Deferring childbirth until age twenty-five, forming a stable family unit, and relying upon the wages of a traditional male worker, in other words, no longer guarantee the ability to raise children outside the grasp of poverty.

Analyses by economist Rebecca Blank corroborate this bleak picture. In 1989, the bottom fifth of American households received incomes of less than \$12,500.⁷⁸ About fifteen percent of the adults in that group were married couples with children.⁷⁹ In these "traditional" families, seventy-five percent of the men and forty percent of the women were working—impressive percentages given the disproportionate impact of unemployment rates on these poorest families.⁸⁰ Yet these families lived on an average income of just over \$8000 per year, well below the poverty line for a typical family of four.⁸¹ Most chilling, these incomes *included* government cash transfers like social security, unemployment compensation, and aid to families with dependent children.

For single parents, the numbers are even lower. Among bottom-quintile families, single women with children lived on an average income of \$6,327 per

⁷⁵ See Geronimus & Korenman, *supra* note 5, at 1208 (recent findings "suggest that policy makers may be overly optimistic about the ability of programs that (solely) encourage delayed childbearing to improve the socioeconomic status of poor women and their children"). Even studies that continue to show some independent effect of teenaged childbearing demonstrate that those effects are much smaller than previously believed. Those studies amply buttress the conclusion that elimination of teenaged births will not alone cure poverty.

⁷⁶ *Census Data* article, *supra* note 54 (reporting analyses based on census tables and performed by the Center on Budget and Policy Priorities).

⁷⁷ Steven A. Holmes, *Low-Wage Fathers and the Welfare Debate*, N.Y. TIMES, Apr. 25, 1995, at A12 (based on 1993 data) (reporting results of study by the Annie E. Casey Foundation). Both of these figures represent alarming increases in the proportion of working adults unable to support a traditional family. In 1979, only 12.1% of full-time workers (one in eight) earned too little to keep a family of four above the poverty line, *Census Data* article, *supra* note 54; and in 1969, only 13.6% of American men earned too little to support a family of four above that level. Holmes, *supra*.

⁷⁸ Blank, *supra* note 51, at 462 n.6.

⁷⁹ *Id.* at 175. In some cases, another relative resided in the household.

⁸⁰ *Id.*

⁸¹ *Id.* The poverty level for a family of four was \$12,675 in 1989. UNITED STATES DEP'T OF COMMERCE, STAT. ABSTRACT OF THE UNITED STATES 462 (111th ed. 1991).

year.⁸² Single men with children or other relatives lived on an average of \$7,049.⁸³ Once again, these incomes *included* government transfers like AFDC payments, unemployment compensation, and social security. For Americans who end up in the bottom fifth of our income distribution—and one in five households inevitably fall in that bottom fifth—it appears increasingly impossible to support children above the poverty line.

Declining income for our poorest households may stem partly from changes in family structure or low initiative.⁸⁴ Increasingly, however, economists identify low wages and high unemployment as root causes of this decline. The minimum wage today, after controlling for inflation, is lower than at any time in the 1950s, 1960s, or 1970s.⁸⁵ The average weekly earnings of white men with high school degrees has declined nine percent since 1969.⁸⁶ Wages for women of color, men of color, and white women lag even further behind.⁸⁷ And earnings continue to decline relative to the rest of the economy. During 1995, despite an expanding economy and skyrocketing stock prices, worker earnings posted the smallest rise since the Labor Department began keeping those statistics.⁸⁸

At the bottom of our payscale, wages have simply become too low to support families. Nor are jobs available for all of these adults. Unemployment remains widespread, especially in the poorest urban centers and rural areas, and especially among men and women of color.⁸⁹ One out of every eight black Americans in the labor market is actively seeking work without success.⁹⁰ One

⁸² Blank, *supra* note 51, at 175. Once again, these households sometimes included relatives other than children.

⁸³ *Id.*

⁸⁴ See, e.g., WILLIAM A. KELSO, *POVERTY AND THE UNDERCLASS* (1994).

⁸⁵ Blank, *supra* note 51, at 194; see also MARIAN WRIGHT EDELMAN, *FAMILIES IN PERIL* 39 (1987) (showing continuous decline of full-time minimum wage earnings as a percent of the poverty level for a family of three, from 103.6% of that poverty level in 1964 to 75% of the poverty level in 1986).

⁸⁶ Blank, *supra* note 51, at 172.

⁸⁷ In 1989, men of color with high school degrees earned just seventy-eight cents for every dollar paid a white man with the same education. *Id.* White women who were high school graduates earned fifty-six cents on the dollar, while women of color earned sixty cents for every dollar earned by a white man with the same high school education. *Id.*

⁸⁸ Robert D. Hershey Jr., *Worker Earnings Post Rise of 2.7%, Lowest on Record*, N.Y. TIMES, Nov. 1, 1995, at A1; see also *Census Data* article, *supra* note 54 (according to census data, average earnings of men employed full-time fell \$300 between 1993 and 1994, after adjusting for inflation).

⁸⁹ For a discussion of the geographic concentration of joblessness, see Blank, *supra* note 51, at 171; WILLIAM J. WILSON, *supra* note 32.

⁹⁰ Blank, *supra* note 51, at 171.

out of every ten Hispanic-Americans is in the same position.⁹¹ And these numbers omit pools of adult workers who have become so discouraged by joblessness that they have ceased to seek employment and fallen from the unemployment figures.⁹²

Teenaged childbearing has sheltered us from confronting these numbers. As long as teenagers bear children and raise those children in poverty, we can continue to believe that poverty stems from foolish personal choices. But teenaged childbearing does not create poverty; low wages and unemployment cause poverty.⁹³

If we move beyond our fixation on teenaged childbearing, and confront the gross inequalities of our economic system, we face much harder questions. We must ask whether we are willing to live in a society that deprives a significant proportion of the adult population of the ability to raise children at a subsistence level, while also tolerating extreme poverty for those children. In the final section of this essay, I briefly consider this issue.

IV. PATHS FOR THE FUTURE: SHOULD WE ENABLE ALL AMERICANS TO RAISE THEIR CHILDREN OUTSIDE POVERTY?

Some societies may be so poor that only a fraction of the adult population can afford to reproduce and raise their children in comfort. The United States, however, enjoys one of the highest levels of per capita income in the world.⁹⁴ Under the United Nations' broader measure of "well-being," which includes qualities such as life expectancy, adult literacy, and economic purchasing power, our country ranks second in the world.⁹⁵ Our society is wealthy enough to afford all adults the chance to bear and raise children at least at the

⁹¹ *Id.* The rate is only half as high for white Americans. In 1992, 6.3% of adult white men and 5.4% of adult white women were actively seeking work but unemployed. *Id.*

⁹² James Tobin, *Poverty in Relation to Macroeconomic Trends, Cycles, and Policies*, in CONFRONTING POVERTY: PRESCRIPTIONS FOR CHANGE, *supra* note 51, at 147, 161.

⁹³ Economist James Tobin recently demonstrated that average weekly earnings and the unemployment rate, when coupled with a third measure of the relationship between the poverty level and the previous year's median income, explained a stunning seventy-nine percent of yearly changes in poverty between 1968 and 1983. *Id.* at 156. Teenaged pregnancy may contribute to low wages and unemployment—as young mothers are unable to take fully productive positions in the labor market—but these calculations, like the figures recounted above, suggest caution in attributing poverty to the rash decisions of impulsive teenagers.

⁹⁴ UNITED STATES DEP'T OF COMMERCE, *supra* note 14, at 856 (in 1993, the United States ranked second highest—after Luxembourg—in per capita gross domestic product calculated on a purchasing power parity basis).

⁹⁵ *Stamets, supra* note 52. *But see* discussion *supra* note 52 (noting significant differences between well-being of white and minority Americans).

subsistence level marked by the poverty line. That ability—to choose reproduction and provide minimal levels of food, shelter, and education to one's children—is essential to human dignity. Maintaining a socioeconomic system in which some individuals receive insufficient education for productive employment, cannot find that employment, or earn wages too low to support their children is intolerable. Doing so when other individuals reap large and increasing proportions of the society's wealth is unconscionable.⁹⁶

If we commit to the principle that our society should give all adult couples the power to raise one or two children at or above the poverty line,⁹⁷ then we must explore the means of equipping adults to meet that goal. Better education, higher wages, stricter enforcement of anti-discrimination laws, increased government subsidies, and more social services may all provide part of the answer. Some remedies may pay for themselves by generating increased productivity among the lowest paid adults. Inevitably, however, the answer will require shifting some wealth from the top of our income scale to the bottom. That process will reverse the recent, record-breaking concentration of income and wealth in the top group.⁹⁸

In this brief essay, I cannot address the best means of providing every adult with the skills and opportunities to raise children unscarred by poverty. Instead, I intend simply to frame the issue in these stark terms: We have created a society in which a significant proportion of adults cannot afford to

⁹⁶ See *supra* text accompanying notes 53–57 (discussing income and wealth shares of the top American households).

⁹⁷ In formulating this principle, I draw an arbitrary line defining the minimum number of children that society should equip each adult to support. Even a wealthy society may not be able to promise all adults unlimited fertility plus subsistence above the poverty line. The latter promise, moreover, might raise serious equity questions between adults who prefer large families and those who prefer small (or no) families. In making this preliminary argument, intended to provoke further thought about the economic supports necessary to facilitate childrearing for all adults, I choose two children per couple as reflecting the current cultural norm in the United States. According to the 1994 General Social Survey by the National Opinion Research Center, 59% of American adults believe that two children are the “ideal number of children for a family to have.” *General Social Survey*, NATIONAL OPINION RESEARCH CENTER, Nov. 1994, available in Westlaw, Poll Database. Only 1% favor no children, 3% favor one child, 22% prefer three children, 12% prefer four children, and 1% favor five or more. *Id.*

⁹⁸ See *supra* text accompanying notes 53–57; see also *Census Data* article, *supra* note 54 (census data reveal “powerful long-term trends resulting in steadily widening income gaps between both rich and poor and the wealthy and the middle class. The new census data show that in 1994, these gaps were at the widest point recorded since the Census Bureau began collecting these data in 1967”); *id.* (in 1994, the top 5% and top 20% of American households both received recordbreaking shares of income).

raise children in decent conditions. If that is not fair, and I do not believe it is fair to either the adults or their children, then we must find ways to insure that all adults are able to raise children without falling into poverty.

As we search for those methods, we must also confront the problem of single parents. As the problem of teenaged childbearing reminds us, the status of single parents is crucial to unraveling the web of poverty. In an ideal world, two parents would raise each child. The partnership of two adults offers economic and emotional supports that one parent may have difficulty providing as effectively.⁹⁹ In our less-than-ideal world, however, we cannot ignore widespread divorce, abandonment, spousal abuse, and child abuse. Nor can we ignore the number of young men claimed by the criminal justice system.¹⁰⁰ To guarantee support for all children in our real world, we must design an economic and educational system that permits a single adult to work and support two children above the poverty line.

The ramifications of that commitment are serious. In addition to enhancing our educational system, providing more widespread employment, and raising wages for the least skilled workers, we must raise the wages of women and minorities (who often head single-parent households) compared to white men. We will also need to provide systematic and subsidized childcare, and to continue supporting the single parents of the youngest children. Until wage and employment rates rise, we will need to provide more—not less—government support to the poorest families.

These recommendations run directly counter to the current political climate. We stand ready to cut taxes, dismantle government supports that already leave one-fifth of our children impoverished, and throw between one and two million more children into poverty.¹⁰¹ Yet the recommendations

⁹⁹ A growing literature suggests that children from single-parent homes fare less well on a variety of measures than do children from two-parent homes. See, e.g., KELSO, *supra* note 84, at 101–02 (summarizing studies). Explanations for this discrepancy include both heightened parental conflict (preceding and following establishment of the one-parent home) and diminished resources (both economic and emotional) in the one-parent home. See Paul R. Amato, *Children's Adjustment to Divorce: Theories, Hypotheses, and Empirical Support*, 55 J. MARRIAGE & FAMILY 23 (1993) (summarizing research).

¹⁰⁰ The problem is particularly acute among African-American men. One out of every three black men between the ages of 20 and 29 currently is in jail, on parole, or on probation. See, e.g., Holmstrom, *supra* note 52 (reporting the results of a study titled “Young Black Americans and the Criminal-Justice System,” produced by The Sentencing Project). About seven percent of whites in their twenties are in a similar position. *Id.*

¹⁰¹ A study by the Department of Health and Human Services estimated that the “moderate” welfare reform bill approved by the Senate in 1995 would have pushed 1.1 million additional children into poverty. The more conservative measures passed by the House of Representatives would have shifted 2.1 million children into poverty. Allison Mitchell, *White*

sketched above follow inexorably from the principle that a just society should permit all adults to bear children and raise them at least at the poverty line.

Other industrialized countries have made considerable strides towards realizing that ideal. In the United States, 53% of families headed by single mothers are poor—even after the government transfers that we attack as lavish.¹⁰² In the United Kingdom, only 18% of those families are poor; in France, 16% are poor; in the Netherlands, 7%; and in Sweden, just 6%.¹⁰³ The differences lie partly in better wage rates and private payment of child support in those nations, partly in the greater availability of subsidized childcare, and partly in larger government transfers.¹⁰⁴ Through one or more of these methods, each of these countries has made a commitment to an ideal we have been unable to embrace: that every adult has the right to bear children and raise those children at the society's subsistence level.

The fact that these countries peg that right to the economic resources of a single adult, moreover, has not eliminated the tendency of parents to marry and raise children as a couple. In the United States, without the supports I have described, single mothers head 22% of all families with children.¹⁰⁵ In the United Kingdom, France, Sweden, and the Netherlands, the percentage is roughly half as high; single mothers head only 12–13% of all families with children.¹⁰⁶ The incentives to bond together while raising children are enormous: greater economic security, assistance with the demanding physical and emotional aspects of raising children, and the purely adult rewards of living as a couple. We need not fear that social supports for single parents

House Didn't Release Study on Senate Bill's Harm, N.Y. TIMES, Oct. 28, 1995, at A8; see also *Census Data* article, *supra* note 54 (noting that 1995 congressional proposals would cut \$300 billion over seven years from basic benefit programs for low-income families, children, the elderly, and the disabled; in contrast, the tax proposals moving through Congress would disproportionately benefit the wealthiest 12% of households). President Clinton vetoed Congress's compromise welfare bill in January of 1996, but the proposals remain the "focal point of ongoing discussions about revamping the nation's welfare programs." Jeffrey L. Katz, *Comparing Welfare Proposals*, 54 CONG. Q. 559, 559 (1996).

¹⁰² Irwin Garfinkel & Sara McLanahan, *Single-Mother Families, Economic Insecurity, and Government Policy*, in CONFRONTING POVERTY: PRESCRIPTIONS FOR CHANGE, *supra* note 51, at 205, 209. For these calculations, the authors adopted a commonly accepted definition of "poor" as living on income below one-half of the country's median income. *Id.* In the United States, this measure corresponds closely with the official poverty level. See UNITED STATES DEP'T OF COMMERCE, *supra* note 14, at 480 (115th ed. 1995) (poverty level for family of four was \$14,763 in 1993); *id.* at 469 (median income of U.S. households was \$31,241 in 1993).

¹⁰³ Garfinkel & McLanahan, *supra* note 102, at 209.

¹⁰⁴ *Id.* at 209–10.

¹⁰⁵ *Id.* at 209.

¹⁰⁶ *Id.*

make men superfluous; academic analyses confirm the commonsense notion that most American women prefer to raise children in marriage.¹⁰⁷

I have moved somewhat afield from the problem of teenaged childbearing. Yet these conclusions follow naturally from a critical examination of the role teen births play in perpetuating poverty. Teen childbearing is not the wellspring of poverty; it is a symptom of poverty that contributes to the poverty cycle. Careful analysis of teenaged childbearing reveals that other factors—particularly declining wage rates, high unemployment, sharply increasing economic inequalities, and the absence of social supports for single parents—exert a much stronger influence on the well-being of our poorest citizens. Addressing these problems, while also adopting programs to discourage teen births, will lead us more surely to a bright future for all of our children.

In the end, we cannot separate economic and social reform from the problem of teenaged births. The changes I have described will be our best offense against teen births themselves. Empirical research is equivocal on whether welfare payments really encourage childbearing. The effects are small, if they exist at all.¹⁰⁸ The results are much *more* certain on the effects of education, training, jobs, decent wages, and economic hope: those are incentives that work. Teenagers who see an economic future for themselves are less likely to risk that future through childbearing. By confronting the economic ills in our society, we can address both teenaged childbearing and the

¹⁰⁷ See Kost & Forrest, *supra* note 12, at 16 (regression analyses reveal that marital status exerts one of the strongest influences on whether a birth is wanted or unwanted; “most women would prefer to have a birth within marriage” and “marital status . . . is a crucial factor in determining the timing of a wanted birth.”).

Some studies of the welfare system show that raising welfare payments modestly decreases marriage rates among young pregnant women. Lundberg & Plotnick, *Economic Incentives*, *supra* note 24, at 188–89 (finding significant effect on marriage rates for white, but not black, pregnant teenagers); Lundberg & Plotnick, *Abortion and Family Planning*, *supra* note 24 (white teenagers); Schultz, *supra* note 31, at 63–64 (finding effect for both pregnant black and pregnant white teenagers). But see An et al., *supra* note 30, at 202 (generosity of welfare benefits had no statistically significant effect on out-of-wedlock teen births); Duncan & Hoffman, *supra* note 31, at 529 (welfare benefit levels had no statistically significant effect on out-of-wedlock births among black teenagers); Moore & Caldwell, *supra* note 23 (AFDC benefits did not affect out-of-wedlock births among black or white teenagers). The women in these populations, however, probably are at the highest risk of abandonment, divorce, and abuse. The small number of unions discouraged by welfare payments in this population, therefore, may be the very ones we should discourage as a society.

¹⁰⁸ See, e.g., Duncan & Hoffman, *supra* note 31; Lundberg & Plotnick, *Economic Incentives*, *supra* note 24 (welfare payments somewhat diminish the likelihood that teen mothers will marry, but show little effect on teen conception or births); Moore & Caldwell, *supra* note 23.

deeper problems of poverty.

V. CONCLUSION: WHAT'S LAW GOT TO DO WITH IT?

Teenaged childbearing is a personal, moral, social, medical, and economic dilemma, but is it a legal one? Even poverty is more of a social and economic crisis than a legal one. Why does this essay, as well as this symposium, appear in a legal journal?

For better or worse, law informs every chapter of this tale. Laws govern the teaching of sex education in schools, and forbid teachers to distribute contraceptives.¹⁰⁹ Laws cut back funding for family planning services in poor neighborhoods, restrict teenaged access to abortions, and deny public funding to poor women who seek abortions.¹¹⁰ Constitutional rules uphold those legal practices by declining to recognize countervailing rights.¹¹¹ Statutes regulate school financing, impairing opportunities for the poorest students, and constitutional interpretations uphold those laws as well.¹¹² Laws affect the success of unions and contribute to declining wage rates.¹¹³

The absence of adequate laws can be just as devastating. Laws fail to address fully the persistent differences in wages paid men and women, or whites and workers of color.¹¹⁴ Laws fail to create adequate childcare systems

¹⁰⁹ See, e.g., Koo et al., *supra* note 19, at 210 (South Carolina banned distribution of contraceptives in school-based clinics, impairing program that had been successful in reducing births among underprivileged rural teenagers); Firestone, *supra* note 18 (reviewing content of sex education programs in state that was the second to mandate that instruction in schools).

¹¹⁰ See, e.g., Daniel Daley & Rachel B. Gold, *Public Funding for Contraceptive, Sterilization and Abortion Services, Fiscal Year 1992*, 25 FAM. PLAN. PERSP. 244 (1993); Terry Sollom, *State Actions on Reproductive Health Issues in 1994*, 27 FAM. PLAN. PERSP. 83 (1995).

¹¹¹ See, e.g., H.L. v. Matheson, 450 U.S. 398 (1981) (upholding parental notification requirement for minors seeking abortions); Planned Parenthood v. Ashcroft, 462 U.S. 476 (1983) (upholding statute that required parental notification or judicial bypass for minors seeking abortions); Maher v. Roe, 432 U.S. 464 (1977) (upholding state decision to deny Medicaid funding for elective abortions); Harris v. McRae, 448 U.S. 297 (1980) (upholding congressional restrictions on federal funding of abortions).

¹¹² San Antonio Indep. Sch. Dist. v. Rodriguez, 411 U.S. 1 (1973).

¹¹³ See generally James J. Brudney, *Reflections on Group Action and the Law of the Workplace*, 74 TEX. L. REV. (forthcoming May 1996).

¹¹⁴ Despite more than three decades of federal laws prohibiting wage discrimination, wages for full-time white male workers continue to outpace wages for other full-time workers. See, e.g., BARBARA RESKIN & IRENE PADAVIC, *WOMEN AND MEN AT WORK* 104-05 (1994) (full-time black male workers earned less than three-quarters of the wages earned by full-time white male workers; white women earned about 68% of the wages paid white men; and black

and job training programs. Laws cut government supports for the poorest women and children, while maintaining subsidies for private shipping fleets and other corporate interests.¹¹⁵ Laws, as well as economic forces, determine how we allocate wealth in society.

Beyond these shortcomings lies a more universal legal failure. Our system is designed to recognize individual rights, and to provide remedies for individual wrongs. Our legislatures are increasingly uncomfortable with class-based remedies, and our courts hardly recognize them at all. Nor do we acknowledge rights based on purely economic disadvantage, partly because those are class-based claims resting on systemic failures. This is part of our larger cultural quest to view poverty, like other hardships, as a product of personal choice. The pervasive inability of our legal system to recognize social deficiencies and group-based rights, however, perpetuates the cultural problem and legitimizes it. We have not developed the legal tools even to ask whether poverty could be the fault of social decisions, rather than private ones.

We persist in viewing poverty as an individual choice—or as punishment for personal failings. Our emphasis on teenaged childbearing neatly fits that paradigm. That is the tantalizing, but false, promise of teenaged births: the hope that deterring these foolish “choices” will end both welfare and poverty as we know them. We should do everything within our power to reduce teenaged childbearing, so that both teenagers and their children have the best opportunity to fulfill their dreams. But we will need to do so much more than that if the most disadvantaged adults and children in our society are to share the dreams that the rest of us take for granted.

women earned only 62% of the wages paid white men). Explanations for this persistent gap vary, and are beyond the scope of this essay, but our legal system tolerates a situation in which identifiable sex and race groups earn widely different wages.

¹¹⁵ Christopher Drew, *Political Power Likely to Shield Ships' Subsidies*, N.Y. TIMES, Mar. 11, 1996, at A1 (President Clinton and Republican leaders are both pushing a bill that would give private shipping companies \$1 billion in subsidies over 10 years); Karen Tumulty, *Why Subsidies Survive; Congress Has Surrendered in the War Against Corporate Welfare*, TIME, Mar. 25, 1996, at 46 (some estimate that the federal government funnels up to \$75 billion per year—almost half the federal deficit—to businesses).

